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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/798,531

03/11/2004

Kurt Brooks Uhler

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EXAMINER

HU, KANG

ART UNIT

PAPER NUMBER

3714

MAIL DATE

DELIVERY MODE

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PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/798,531	<b>Applicant(s)</b> UHLIR ET AL.	
	<b>Examiner</b> KANG HU	<b>Art Unit</b> 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2008.
- 2a) ☐ This action is **FINAL**.                      2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-27 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 March 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                       | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)   | Paper No(s)/Mail Date. _____                                      |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>6/9/08; 7/8/08</u>  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 7/8/2008 has been entered. Claims 1 and 14 are currently amended, claims 1-27 are currently pending in the application.

#### ***Claim Rejections - 35 USC § 112***

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. Regarding claim 1, the phrase "such as" renders the claim indefinite because it is unclear whether the limitations following the phrase are part of the claimed invention. See MPEP § 2173.05(d).

#### ***Claim Rejections - 35 USC § 103***

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. As previously indicated in final action dated 4/8/2008, Claims 1-27 are rejected under 35 U.S.C. 103(a) as being unpatentable over Applicant Submitted Prior Art "Virtual GIS: a Real-

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time 3D Geographic Information System" hereon after known as Virtual GIS in view of Microsoft Flight Simulator 2004, A Century of Flight hereon after known as Microsoft Flight Sim. The applicant has amended claims 1 and 14 to add the limitations of "the data including navigation-related attributes, such as turn restriction content, for navigation on the roads in the real-world geographic locale" (claim 1) and "the geographic data derived from a database suitable for vehicle navigation on" (claim 14) which will be addressed at the end of claim 1.

Re claim 1, Virtual GIS teaches a real time 3D geographic information system comprising: a map database containing data that represent roads in a real-world geographic locale on page 2, where Virtual GIS discloses "Planners for new buildings or other facilities can see full 3D views from their prospective sites or can see the view from nearby existing buildings with their planned facility in place. Urban planners can see the layout of streets, buildings, and parks on their actual topography can thus ... they can use the GIS database to display distribution of commercial activities..."; a user interface (page 2);

Virtual GIS does not explicitly teach that the real time 3D geographic information system is used for gaming purposes therefore does not teach of a game engine program. However it is well-known that such system can be used for a variety of purposes including commercial, gaming, or others. Some of the prior art that was cited by the applicant uses such virtual GIS database to display realistic and animated graphics to the user, such games include but are not limited to "True Crime: Streets of LA, Sim City 2000, Sim Copter, Microsoft Flight Simulator 2002, 2004, Terra Scene Scenery Generation System." Some of these games, specifically Microsoft Flight

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Sim includes a game engine program configured for running on a computer platform and for presenting a computer game scenario to a user via the user interface; Microsoft Flight Sim does not explicitly teach of application programming interface program, however it would be inherent as the game requests geographic data from the geographic database. an application programming interface program configured for running on the computer platform, for accepting requests for data from the game engine program, for accessing data from the map database, and for providing data in a suitable format to the game engine program; wherein the map database, the user interface, the game engine program, and the application programming interface program are stored on at least one computer-readable medium. It would have been prima facie obvious that Virtual GIS can be used with any games such as Microsoft Flight Sim to provide a more realistic animated graphics.

Pertaining to the amended claim language, Microsoft Flight Sim teaches the data including navigation-related attributes, such as turn restriction content, for navigation on the roads in the real-world geographic locale (claims 1) by disclosing “choose your navigation type, either visual (VFR) or instrumental (IFR). If you choose IFR, you must then choose routing. Direct-GPS creates a direct course...” (page 112, NPL Microsoft Flight Simulator 2004, A century of Flight). The limitation of “such as” as been discussed above in 112 2<sup>nd</sup>, and the limitation “for navigation on the roads in ...” are intended use by the applicant. Further more, Virtual GIS teaches of the geographic data derived from a database suitable for vehicle navigation (also intended use by the applicant) on page 2, 2<sup>nd</sup> col “Thus the Army has shown great interest in immersive system that can navigate accurate terrains down to one meter resolution.”

Re claim 2, the computer-game system further comprising a 3D function configured to converting geographic data from the map database to a perspective view for display in the computer game (page 4 of Virtual GIS).

Re claim 3, a smoothing function configured for determining a curve through data points used in the map database to represent a linearly extending feature, wherein the curve is used for display of the linearly extending feature in the computer game (section 2.4 of Virtual GIS).

Re claim 4, an integration function configured for combining road model data with data that represent roads from the map database to provide a realistic visual appearance of road-related things (Section 2.2 of Virtual GIS).

Re claim 5, the road related things include at least one selected from the group consisting of: road colors, road pavement, lane strips, curbs, sidewalks, signs, lamp posts, lane dividers, traffic signals, speed bumps and crosswalks (Section 2.2 of Virtual GIS).

Re claim 6, an integration function configured for combining 3D model data with data that represent roads from the map database to provide a realistic visual representation of polygon shaped features in the geographic locale (Section 2.2 of Virtual GIS).

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Re claim 7, an integration function configured for combining 3D model data with data that represent roads from the map database to provide a realistic visual representation of cityscape and landscape features in the geographic locale (Section 2.2 of Virtual GIS).

Re claim 8, an integration function configured for combining 3D model data with data that represent roads from the map database to provide a realistic visual representation of one of the group consisting of: buildings, fences, trees, shrubbery, lawns, fences, and clouds in the geographic locale (Section 2.2 of Virtual GIS).

Re claim 9, virtual GIS does not explicitly teach of application programming interface program is further configured for providing for spatial queries of data from the map database, however such spatial relationships are well defined in the geographical database of Virtual GIS for allowing the use of geometry data types such as points, lines and polygons.

Re claim 10, a game application shell that includes basic logic, rules, strategy, and characters for a type of computer game, wherein the game application shell is configured for access by the game engine program (Microsoft Flight Sim).

Re claim 11, computer game is of a type selected from a group consisting of: a road rally game, a police chase game, a location quiz game, a “bot” fighter game, a flight simulator game, a “first-person shooter” game, an auto theft game, and an urban development simulator game (Microsoft Flight Sim).

Re claim 12, the game engine program is configured for performing specific tasks and for operating on an as-needed basis during game play (Microsoft Flight Sim).

Re claim 13, game engine program comprises at least one selected from the group consisting of: audio engines, logic engines, rules engines, animation engines, graphics engines, and user interface engines (Microsoft Flight Sim).

Re claims 14-27, the method of operating a computer game having the same limitations as claims 1-13 above will not be repeated herein.

### ***Response to Arguments***

6. Applicant's arguments filed 6/9/2008 have been fully considered but they are not persuasive. Re claim 1, the applicant argues the combined reference of Microsoft Flight Sim and Virtual GIS does not teach of "a map database containing navigation-related attributes for navigation on roads or in a real-world geographic locale" The examiner respectfully disagrees and has discussed the features in claim 1, furthermore the applicant is not persuasive in distinguishing the claim language to the prior art, as Virtual GIS does teach of providing navigation related attributes by teaching of "toggle a labeled coordinate grid system overlaid on the terrain. Additionally, the user can turn on a popup inset overview map, complete with markers showing the position of the user and other significant objects in the environment." The



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examiner asserts that Virtual GIS does provide navigation-related attributes (markers) for navigation on roads or in a real-world geographic locale.

Applicant further argues that the combined references do not teach or suggest an application programming interface program configured for accessing data from a map database and for providing data in a suitable format to the game engine program. The examiner respectfully disagrees and point out that Virtual GIS discloses "choose your navigation type, either visual (VFR) or instrumental (IFR). If you choose IFR, you must then choose routing. Direct-GPS creates a direct course..." (page 112, NPL Microsoft Flight Simulator 2004, A century of Flight)" the examiner interprets such as retrieving coordinates from the geographic database and relates the data to the game engine for the player to plot course to its destination (see chapter 6, in flight navigation for more details on the related features). Virtual GIS also teaches in 2.2.2, Query stating "the virtual GIS system provides a unique visual interface to a variety of geographical information. Users of the system can access this database by directly querying objects in the virtual environment. For example, clicking on a building object in the environment may display the name of the building . . . with the corresponding coordinates of the selected point." The examiner asserts that the application programming interface program as claimed is provided by Microsoft Flight Sim and Virtual GIS as previously indicated.

***Conclusion***

**Examiner's Note:** Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings in the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant, in preparing the responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the examiner.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KANG HU whose telephone number is (571)270-1344. The examiner can normally be reached on 8-5 (Mon-Thu).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on 571-272-6996. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Robert E Pezzuto/  
Supervisory Patent Examiner, Art Unit 3714

/Kang Hu/  
Examiner, Art Unit 3714